

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1266

AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 20-12-21-6.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.3. (a) This section applies to an individual who:**

- (1) meets the requirements set forth in section 6 of this chapter; and**
- (2) before the date that eligibility is determined by the commission, has been placed by or with the consent of the department of child services, by a court order, or by a licensed child placing agency in:**
 - (A) a foster family home;**
 - (B) the home of a relative or other unlicensed caretaker;**
 - (C) a child caring institution; or**
 - (D) a group home.**

(b) The commission shall consider an individual described in subsection (a) as a full-need student under the commission's rules when determining the eligibility of the individual to receive financial aid administered by the commission under this chapter.

SECTION 2. IC 20-12-70-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a)** As used in this chapter, "eligible student" means a student who meets the



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following requirements:

- (1) Is a resident of Indiana.
- (2) Is enrolled in grade 8 at a:
 - (A) public **school**; or
 - (B) ~~an accredited~~ nonpublic school **that is accredited by:**
 - (i) **the state board; or**
 - (ii) **a national or regional accrediting agency whose accreditation is accepted as a school improvement plan under IC 20-31-4-2.**
- (3) Is eligible for free or reduced priced lunches under the national school lunch program.
- (4) Agrees in writing, together with the student's custodial parents or guardian, that the student will:
 - (A) graduate from a secondary school located in Indiana that meets the admission criteria of an institution of higher learning;
 - (B) not illegally use controlled substances (as defined in IC 35-48-1-9);
 - (C) not commit a crime or infraction described in IC 9-30-5;
 - (D) not commit any other crime or delinquent act (as described in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their repeal));
 - (E) when the eligible student is a senior in high school, timely apply:
 - (i) to an institution of higher learning for admission; and
 - (ii) for any federal and state student financial assistance available to the eligible student to attend an institution of higher learning; and
 - (F) achieve a cumulative grade point average upon graduation of at least 2.0 on a 4.0 grading scale (or its equivalent if another grading scale is used) for courses taken during grades 9, 10, 11, and 12.
- (b) The term includes a student who:**
 - (1) before or during grade 7 or grade 8, is placed by or with the consent of the department of child services, by a court order, or by a child placing agency in:**
 - (A) a foster family home;**
 - (B) the home of a relative or other unlicensed caretaker;**
 - (C) a child caring institution; or**
 - (D) a group home;**
 - (2) agrees in writing, together with the student's caseworker**

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(as defined in IC 31-9-2-11), to the conditions set forth in subsection (a)(4); and

(3) except for the requirement set forth in subdivision (2), otherwise meets the requirements of this section.

SECTION 3. IC 20-12-70-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15. The commission shall adopt rules under IC 4-22-2 to implement this chapter, including:

(1) rules regarding the establishment of appeals procedures for individuals who become disqualified from the program under section 12 of this chapter; ~~and~~

(2) notwithstanding section 2 of this chapter, rules that may include students who are in grades other than grade 8 as eligible students; **and**

(3) rules that allow a student described in section 2(b) of this chapter to become an eligible student while the student is in high school, if the student agrees to comply with the requirements set forth in section 2(a)(4)(B) through section 2(a)(4)(D) of this chapter for not less than six (6) months after graduating from high school.

SECTION 4. IC 20-12-70-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. **(a) This section applies to a student described in section 2(b) of this chapter.**

(b) A caseworker shall provide each student to whom the caseworker is assigned information concerning the program at the appropriate time for the student to receive the information and explain the program to the student.

(c) A student who receives information under this section shall sign a written acknowledgment that the student received the information. The written acknowledgment must be placed in the student's case file.

SECTION 5. IC 21-11-9-4, AS ADDED BY SEA 526-2007, SECTION 522, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. The commission shall adopt rules under IC 4-22-2 to implement IC 21-12-6, including:

(1) rules regarding the establishment of appeals procedures for individuals who become disqualified from the program under IC 21-12-6-9; ~~and~~

(2) notwithstanding IC 21-12-6-5, rules that may include students who are in grades other than grade 8 as eligible students; **and**

(3) rules that allow a student described in IC 21-12-6-5(b) to become an eligible student while the student is in high school,

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if the student agrees to comply with the requirements set forth in IC 21-12-6-5(a)(4)(B) through IC 21-12-6-5(a)(4)(D) for not less than six (6) months after graduating from high school.

SECTION 6. IC 21-12-3-1, AS ADDED BY SEA 526-2007, SECTION 523, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. **(a)** An applicant is eligible for a first year higher education award under this chapter if the student meets the following requirements:

- (1) The applicant is a resident of Indiana, as defined by the commission.
- (2) The applicant:
 - (A) has successfully completed the program of instruction at an approved secondary school;
 - (B) has been granted a:
 - (i) high school equivalency certificate before July 1, 1995; or
 - (ii) state of Indiana general educational development (GED) diploma under IC 20-20-6 or IC 20-10.1-12.1 (before its repeal); or
 - (C) is a student in good standing at an approved secondary school and is engaged in a program that in due course will be completed by the end of the current academic year.
- (3) The financial resources reasonably available to the applicant, as defined by the commission, are such that, in the absence of a higher education award under this chapter, the applicant would be deterred from completing the applicant's education at the approved postsecondary educational institution that the applicant has selected and that has accepted the applicant. In determining the financial resources reasonably available to an applicant to whom IC 21-11-7 applies, the commission must consider the financial resources of the applicant's legal parent.
- (4) The applicant will use the award initially at that approved postsecondary educational institution.
- (5) If the student is already enrolled in an approved postsecondary educational institution, the applicant must be a full-time student and be making satisfactory progress, as determined by the commission, toward a first baccalaureate degree.
- (6) The student declares, in writing, a specific educational objective or course of study and enrolls in:
 - (A) courses that apply toward the requirements for completion of that objective or course of study; or
 - (B) courses designed to help the student develop the basic

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skills that the student needs to successfully achieve that objective or continue in that course of study.

(b) This subsection applies to an individual who:

- (1) meets the requirements set forth in subsection (a); and**
- (2) before the date that eligibility is determined by the commission, has been placed by or with the consent of the department of child services, by a court order, or by a licensed child placing agency in:**
 - (A) a foster family home;**
 - (B) the home of a relative or other unlicensed caretaker;**
 - (C) a child caring institution; or**
 - (D) a group home.**

The commission shall consider an individual to whom this subsection applies as a full-need student under the commission's rules when determining the eligibility of the individual to receive financial aid administered by the commission under this chapter.

SECTION 7. IC 21-12-6-5, AS ADDED BY SEA 526-2007, SECTION 523, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. **(a)** To qualify to participate in the program, a student must meet the following requirements:

- (1) Be a resident of Indiana.
- (2) Be:
 - (A) enrolled in grade 8 at a:
 - (i) public school; or an accredited**
 - (ii) nonpublic school that is accredited either by the state board of education or by a national or regional accrediting agency whose accreditation is accepted as a school improvement plan under IC 20-31-4-2; or**
 - (B) otherwise qualified under the rules of the commission that are adopted under IC 21-11-9-4 to include students who are in grades other than grade 8 as eligible students.
- (3) Be eligible for free or reduced priced lunches under the national school lunch program.
- (4) Agree, in writing, together with the student's custodial parents or guardian, that the student will:
 - (A) graduate from a secondary school located in Indiana that meets the admission criteria of an eligible institution;
 - (B) not illegally use controlled substances (as defined in IC 35-48-1-9);
 - (C) not commit a crime or an infraction described in IC 9-30-5;
 - (D) not commit any other crime or delinquent act (as described

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in IC 31-37-1-2 or IC 31-37-2-2 through IC 31-37-2-5 (or IC 31-6-4-1(a)(1) through IC 31-6-4-1(a)(5) before their repeal));

(E) timely apply, when the eligible student is a senior in high school:

- (i) for admission to an eligible institution; and
- (ii) for any federal and state student financial assistance available to the eligible student to attend an eligible institution; and

(F) achieve a cumulative grade point average upon graduation of at least 2.0 on a 4.0 grading scale (or its equivalent if another grading scale is used) for courses taken during grades 9, 10, 11, and 12.

(b) The term includes a student who:

(1) before or during grade 7 or grade 8, is placed by or with the consent of the department of child services, by a court order, or by a child placing agency in:

- (A) a foster family home;**
- (B) the home of a relative or other unlicensed caretaker;**
- (C) a child caring institution; or**
- (D) a group home;**

(2) agrees in writing, together with the student's caseworker (as defined in IC 31-9-2-11), to the conditions set forth in subsection (a)(4); and

(3) except as provided in subdivision (2), otherwise meets the requirements of subsection (a).

SECTION 8. IC 21-12-6-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 14. (a) This section applies to a student described in section 2(b) of this chapter.**

(b) A caseworker shall provide each student to whom the caseworker is assigned information concerning the program at the appropriate time for the student to receive the information and explain the program to the student.

(c) A student who receives information under this section shall sign a written acknowledgment that the student received the information. The written acknowledgment must be placed in the student's case file.

SECTION 9. [EFFECTIVE UPON PASSAGE] **(a) Before June 30, 2008, the state student assistance commission shall offer an opportunity to become an eligible student (as defined in IC 20-12-70-2(a), as amended by this act (before its repeal), and**

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IC 21-12-6-5(a), as amended by this act) to any student who, during the 2005-2006 school year or 2006-2007 school year:

(1) met the eligibility criteria set forth in IC 20-12-70-2(a), as amended by this act (before its repeal), or IC 21-12-6-5(a), as amended by this act, as if IC 20-12-70-2(a)(2)(B), as amended by this act (before its repeal), or IC 21-12-6-5(a)(2)(A)(ii), as amended by this act, had been in effect at the time; and

(2) was enrolled in grade 8 at a nonpublic school that is accredited by a method set forth in IC 20-12-70-2(a)(2)(B), as amended by this act (before its repeal), or IC 21-12-6-5(a)(2)(A)(ii), as amended by this act.

(b) This SECTION expires July 1, 2008.

SECTION 10. An emergency is declared for this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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